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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,748	11/12/2003	Tat Keung Chan	021917-000100US	8880

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EXAMINER

WALSH, JOHN B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,748

Applicant(s)

CHAN ET AL.

Examiner

John B. Walsh

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-42 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-32 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/12/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: Page 14, paragraph 0054 recites "CAT 5 connector or the like". It is unclear what is the scope and coverage of the term "or the like". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "A system..." and then later recites "an apparatus". It is unclear if the applicant is claiming a system or an apparatus.

Claim 1, line 7 recites "the datasource". It is unclear which datasource connection the applicant is referring to. In order to further prosecution, the examiner will consider the limitation drawn to the second datasource connection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2151

5. Claims 1- 15 and 18-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,130,896 to Lueker et al.

As concerns claims 1, 12 and 18, a system for power line networking, the system comprising: an external data source, the data source being derived from a world wide networks of computers (column 2, line 62, larger network); a router (70) coupled to the external data source and coupled to a first datasource connection (18); a powerline network apparatus, the apparatus comprising: a second datasource connection (16), the datasource connection coupled to the first data source connection; a powerline device (112) coupled to the second datasource connection, the powerline device being adapted to receive and transmit information in a first format (column 3, line 16, protocol converter) from the second datasource connection and adapted to receive and transmit information in a second format (column 3, line 16, protocol converter); a virtual local area network device including a first input/output port (58) and a plurality of second input/output ports (60), each of the second input/output ports numbered from 1 through N, where N is an integer greater than 1; a plurality of modem devices (column 2, line 62, modem) coupled to the virtual local area network device, the plurality of modem devices numbered from 1 through N, each of the plurality of modem devices being coupled respectively to one of the plurality of second input/output ports, each of the plurality of modem devices also being coupled to one of a plurality of power lines numbered from 1 through N, each of the power lines being capable of communicating information to and from the second data source connection.

Lueker et al. do not explicitly disclose a plurality of second ports. It would have been an obvious design choice to one of ordinary skill in the art to add numerous ports since such a modification would only require a duplication of existing parts.

Art Unit: 2151

As concerns claims 2 and 23, wherein each of the input/output ports corresponds respectively to each of a plurality of users numbered from 1 through N (each port supports a particular device wherein a different user can be using each device).

As concerns claim 3, the system of claim 1 wherein the powerline comprises a power grid formed within at least a building structure (column 2, lines 33-35).

As concerns claims 7 and 28, wherein the powerline device is a powerline modem (column 2, line 62, modem, connected through a powerline for power and may receive data over the powerline either directly or indirectly).

As concerns claim 19, apparatus of claim 18 wherein the data source is a modem (column 2, line 62, modem), the modem coupled to a communication network.

As concerns claim 20, apparatus of claim 18 further comprising a repeater (column 3, line 19) coupled to at least one of the powerlines, the repeater being adapted to amplify a signal associated with the information from the datasource.

As concerns claim 24, apparatus of claim 18 wherein the powerline comprises a power grid formed within at least a building structure (column 2, lines 33-35).

As concerns the term "adapted to", it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison, 69 USPQ 138.

As concerns claims 9 and 30, wherein the preselected voltage ranges from about 100 to 120 volts and preselected frequency ranges from 50 through 60 Hz. Hz (column 2, line 34, powerline inherently has a range of voltage and frequency, column 1, line 20). The above ranges are seen as

Art Unit: 2151

an obvious design choice since the particular ranges do not appear to affect the patentable operability of the invention.

As concerns claims 8 and 29, wherein each of the powerlines is maintained at a preselected voltage and preselected frequency (column 2, line 34; powerline inherently has a range of voltage and frequency, column 1, line 20). The particular voltage and frequency are seen as an obvious design choice since the particular ranges do not appear to affect the patentable operability of the invention. The powerlines inherently have a voltage and frequency.

As concerns claims 10 and 31, the system of claim 8 wherein the preselected voltage ranges from 85 to 265 volts and preselected frequency ranges from 50 through 60 Hz (column 2, line 34; powerline inherently has a range of voltage and frequency, column 1, line 20). The above ranges are seen as an obvious design choice since the particular ranges do not appear to affect the patentable operability of the invention.

As concerns claims 13-15, wherein the building structure is an office building, a residential home and a multi-tenant building (column 2, line 33, column 5, line 45). The type of building is seen as an obvious design choice since it does not affect the patentable operability of the invention.

As concerns claims 4 and 25, wherein the datasource is formatted using an OFDM format; as concerns claims 5 and 26, wherein the first format is OFDM and the second format is MII and as concerns claims 6 and 27, wherein the second format is a serial format; the format is seen as an obvious design choice, since it appears another format would work equally well, wherein the particular format does not appear to affect the patentable operability of the invention.

Art Unit: 2151

As concerns claims 11 and 32, wherein each of the powerlines is a coaxial cable. The particular cable which comprises the powerline is seen as an obvious design choice since it appears the invention would work equally well with another type of cable or wire, since it has not been shown why the powerline need be a coaxial cable in order for the invention to meet its patentable operability.

As concerns claims 21 and 22, wherein the datasource connection is a power line connection and an Ethernet connection and a two wire connection. The particular connection is seen as an obvious design choice since it appears the invention would work equally well with any of the connections, and since it has not been shown why a particular type of connection is needed for the invention to meet its patentable operability.

Allowable Subject Matter

6. Claims 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Claims 33-42 are allowed.

Conclusion

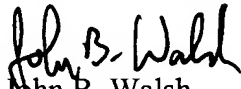
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2151

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Wednesday from 5:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John B. Walsh
Primary Examiner
Art Unit 2151